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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LADDA BOONLERT,

Defendant.

CASE NO: 2:19-cr-315-JAD-NJK

STIPULATION TO VACATE AND
CONTINUE SENTENCING HEARING
(SECOND REQUEST)

It is hereby stipulated and agreed, by and between Nicholas A. Trutanich, United States Attorney, through Jim W. Fang, Assistant United States Attorney, and Michael J. Miceli, Esq., counsel for Defendant Ladda Boonlert, that the Rule 32 sentencing hearing for Boonlert, previously scheduled for February 1, 2021, at 10:00 a.m., be vacated and continued until a time convenient to the Court, but no earlier than 180 days from the current setting.

This Stipulation is entered into for the following reasons:

1. Sentencing for Defendant is currently set for February 1, 2021, at 10:00 a.m.
2. On January 27, 2021, the government and the remaining defendants still awaiting trial agreed to a stipulation to continue the trial date due to the ongoing COVID-19 pandemic. ECF No. 78. The parties requested a 180-day continuance, which is pending before the Court for its consideration.

1 3. Because Defendant is a potential witness in the upcoming trial, defense
2 counsel and the government believe that in the interest of justice, it is best to postpone
3 Defendant's sentencing until after the trial has concluded to ensure her availability to testify.

4 4. Moreover, on March 30, 2020, the Chief Judge for the District of Nevada
5 entered Temporary General Order 2020-05, regarding Authorization for Video and
6 Teleconferencing Under the CARES Act and the Exigent Circumstances Created by
7 COVID-19 and Related Coronavirus (hereinafter "General Order"). On December 18,
8 2020, the General Order was extended through March 29, 2021.

9 5. The General Order addresses the material effect upon the functioning of the
10 Court brought on by the current state of emergency arising from the COVID-19 and
11 Coronavirus pandemic, finding, among other things, that for the duration of the General
12 Order, in-person Rule 32 felony sentencing hearings cannot be conducted in the District of
13 Nevada without seriously jeopardizing the public health and safety. The General Order
14 further provides that Rule 32 sentencing hearings may, with the consent of the defendant
15 (upon advice of counsel), proceed by video or teleconference in individual cases, provided
16 that the presiding Court specifically finds that to delay the matter further will cause serious
17 harm to the interest of justice. *See also* CARES Act, H.R. 748, Public Law No. 116-136.

18 6. The defendant desires an in-person Rule 32 sentencing hearing and the parties
19 agree that further delay to accommodate an in-person hearing will not cause serious harm to
20 the interests of justice. Accordingly, a continuance of the Rule 32 sentencing hearing for a
21 period of at least 180 days from February 1, 2021—which is outside the duration of the
22 General Order—is appropriate.

23 7. Defendant is not in custody and agrees to the proposed continuance.

24 8. This is the second request for continuance of the Rule 32 sentencing hearing.

1 WHEREFORE, the parties respectfully request that the Court accept this Stipulation
2 and enter an Order vacating the current setting of February 1, 2021, for Rule 32 sentencing
3 hearing, and continue the hearing to a date and time convenient to the Court but not less
4 than 180 days from the current setting. The parties attach a Proposed Order for the Court's
5 consideration.

6 DATED this 29th day of January, 2021.

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8 NICHOLAS A. TRUTANICH
United States Attorney

9 By: s/ Jim W. Fang
10 JIM W. FANG
Assistant United States Attorney

By: s/ Michael J. Miceli
MICHAEL J. MICELI, ESQ.
Counsel for Defendant BOONLERT

**UNITED STATES DISTRICT COURT
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ORDER

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The parties agree to the continuance requested in the Stipulation.
2. Defendant is not in custody and does not object to the continuance.
3. The Court adopts and incorporates herein in full, District of Nevada, Temporary General Order 2020-05 of March 30, 2020 (extended on December 18, 2020), regarding Authorization for Video and Teleconferencing Under the CARES Act and the Exigent Circumstances Created By COVID-19 and Related Coronavirus (hereinafter “General Order”), including the finding that in light of the current state of emergency brought on by the COVID-19 pandemic, and during the time the General Order is in effect, the Court cannot conduct an in-person Rule 32 sentencing hearing without serious risk to the health and safety of the public and the parties involved in this matter.
4. Defendant desires an in-person Rule 32 sentencing hearing and no facts have been presented to the Court to show that further delay of the hearing will seriously harm the interests of justice in this case. The General Order is in effect until March 29, 2021.
5. Moreover, Defendant is a potential witness in the upcoming trial against her codefendants who are still awaiting trial. The interest of justice is best served by postponing

1 her sentencing until after the trial has concluded to ensure her availability to testify.

2 6. Accordingly, pursuant to the Stipulation, the Court will continue and set the
3 date for Rule 32 sentencing hearing for no less than 180 days from February 1, 2021.

4 IT IS THEREFORE ORDERED:

5 1. The Rule 32 sentencing hearing set for 10:00 a.m., February 1, 2021, is hereby
6 VACATED and CONTINUED;

7 2. The Rule 32 sentencing hearing in this matter will commence on November
8 15, 2021, at 10:00 a.m.

9 IT IS SO ORDERED on this 1st day of February, 2021.

10
11 By:  _____

12 JUDGE JENNIFER A. DORSEY
13 UNITED STATES DISTRICT COURT JUDGE
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